

Appl. No. 09/844,658
Amdt. dated April 7, 2005
Reply to Office action of January 4, 2005
Page 7

REMARKS

In the above referenced Office Action, claims 1-4, 9-13, 15, 17, 18, 20, 21, and 23-25 were rejected under 35 USC 102(e) as being anticipated by Snell ('705). Applicant respectfully traverses the merits of this rejection. However, Applicant respectfully asserts the rejection is rendered moot in view of the accompanying declaration under 37 CFR 1.131, which removes Snell as a reference. This of course, likewise renders moot the rejections under 35 USC 103(a), which are also traversed on their merits by Applicant.

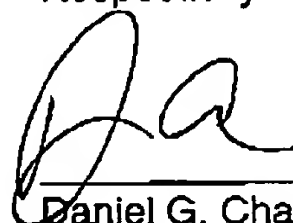
Claims 5-8 were rejected under 35 USC 102(b) as being anticipated by Snell ('691) or "Snell 2" as referred to by the Examiner. Claim 5 has been cancelled. With respect to claims 6-8, Applicant respectfully traverses the rejection. As the Examiner is well aware, a reference must teach each element of the claims in order to anticipate a claim under section 102. As "Snell 2" does not, contrary to the Examiner's assertions, include a body of software components having standardized software interfaces to medical device interface instruments the rejection is improper and must be withdrawn.

The software modules of Snell 2 are selected and provided to an implantable medical device and not to a medical device interface instrument. As such, the claims are not anticipated.

Applicant respectfully asserts that the pending claims are in condition for allowance and notice of the same is respectfully requested. If any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

4/19/05
Date _____



Daniel G. Chapik
Reg. No. 43,424
(763) 514-3066
Customer No. 27581